

State of California
Regional Water Quality Control Board
San Diego Region

SUPPLEMENTAL
ENFORCEMENT SUMMARY REPORT
July 1, 2009

ITEM: 7

SUBJECT: Administrative Assessment of Civil Liability, South Orange County Wastewater Authority, the South Coast Water District Groundwater Recovery Facility. The Regional Board will consider adoption of a tentative Order that would impose a \$204,000 mandatory minimum penalty recommended in Complaint No. R9-2009-0028 for violations of Order No. R9-2006-0054, NPDES No. CA0107417, Waste Discharge Requirements for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County.
(Tentative Order R9-2009-0048) (Jeremy Haas)

PURPOSE: The Regional Board conducted and closed a hearing on this item on May 13, 2009. The purpose of today's item is for the Regional Board to consider legal summary briefs submitted, as directed by the Board, by the prosecution staff and the Discharger. The Board may approve, modify, or reject assessment of the recommended penalty. The Regional Board may also consider the Discharger's proposal for directing a portion of imposed liability toward supplemental environmental projects. The public comment period is closed. No testimony will be received at the July 1, 2009 meeting.

DISCUSSION: Supporting Document No. 4 is an errata sheet that proposes revisions to the frequency of reporting associated with the supplemental environmental project (SEP). SOCWA requested that all SEP reporting requirements be removed from the tentative Order (Supporting Document No. 5). In response, the prosecution staff determined that proper oversight of the SEP could be performed based on review of annual and final reports (Supporting Document No. 6). The errata sheet revises the tentative Order accordingly.

SUPPORTING
DOCUMENTS:

4. Errata sheet for tentative Order No. R9-2009-0048
5. SOCWA's request to amend the tentative Order (dated June 17, 2009)
6. Prosecution Staff response to SOCWA's request

RECOMMENDATION:

The adoption of Tentative Order R9-2009-0048, with errata, is recommended assessing a civil liability of \$204,000 against the South Orange County Wastewater Authority for the violations alleged in Complaint No. R9-2009-0028.